Law Society of Ontario | Barreau de l'Ontario

TAB 3
Report to Convocation
September 25, 2025

Professional Development and Competence Committee Reports

Prepared by the Policy, Equity and External Relations Division
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Professional Development and Competence Committee

For Decision

Expansion of the Certified Specialist Program to include paralegals

September 25, 2025

Committee Members:

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Motion

That Convocation approve the expansion of the Certified Specialist Program to include paralegals and direct the Professional Development and Competence Committee to report back to Convocation with any necessary Rule and By-Law changes required to enact this change.

Context

In November 2023, Convocation approved a Motion to:

1. continue the Certified Specialist Program (CSP); and
2. make modifications that will require Certified Specialists to complete 10 hours of Continuing Professional Development (CPD) in their area of speciality every year, in addition to their annual CPD requirement.

Convocation also directed the Professional Development and Competence Committee (the Committee) to "explore opportunities for the enhancement of the CSP and, as a first priority, the expansion of the program to paralegals".[1] The Committee has worked with the Paralegal Standing Committee to determine the viability of expanding the CSP to include paralegals.

A. The Certified Specialist Program

Established in 1986, the Certified Specialist Program recognizes lawyers who have:

- met established standards of experience and knowledge requirements in one or more of the 17 designated areas of law; and
- maintained exemplary standards of professional practice.

The CSP's purpose is to enhance lawyer competence by facilitating the development of specialized expertise in a given area of law. The designation also allows the public to identify lawyers who have this specialized expertise, and the Law Society allows the public to search for Certified Specialists through a directory on its website. Through these functions, the CSP facilitates access to justice and promotes the public interest.

Currently, over 650 lawyers are designated as Certified Specialists, representing less than 2% of practising lawyers. Certification as a specialist is recognized by the Law Society of Ontario with the "C.S." designation. The names of Certified Specialists can be found in the Directory of Certified Specialists, posted on the Law Society website.

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[1] Report to Convocation by the Professional Development and Competence Committee dated November 30, 2023, *Next Steps in the Future of the Certified Specialist Program*, available at https://lso.access.preservica.com/uncategorized/IO_4aa5d2b4-25f8-4a7a-8567-7106f7091323/

Lawyers who are interested in becoming a Certified Specialist must submit an application, which is reviewed by the Certified Specialist Board, and must re-certify on an annual basis filing a Certification Annual Report and paying an annual fee to maintain their designation.

B. Considering expansion of CSP to include paralegals

The Competence Task Force was established in 2021 to conduct a comprehensive review of the Law Society's policies and programs applicable to the competence of lawyers, including the CSP. On May 26, 2022, following a period of consultation and analysis, the Competence Task Force submitted its final report to Convocation. The report contained five recommendations, including a recommendation to wind up the CSP. This recommendation was adopted by Convocation.

In September 2022, based on the feedback from some licensees, Convocation suspended the winding up of the CSP pending further consideration. It referred the matter to the Committee for reconsideration including an extensive consultation with the profession on the issue.

A total of 27 paralegals made submissions in response to the subsequent consultation. Twenty of those paralegals requested that the program be expanded to allow for paralegals to also be certified as specialists. Many of the paralegal respondents said that it was discriminatory and unfair to allow one profession to achieve a specialist designation while another cannot.

In its report to Convocation in November 2023, the Committee noted:

> When considering the expansion of the Certified Specialist Program, it must be noted that the Law Society has an obligation to ensure the ongoing competency of its licensees. This obligation extends equally to paralegal licensees as it does to lawyer licensees. By extension, this obligation also includes opportunities that enhance paralegal competence, since this would only serve to benefit the legal professions by creating the circumstances for additional expertise in particular areas of law, as well as benefiting the public by helping to improve access to justice, in the same way that Certified Specialist Program does for members of the public who are searching for a lawyer. Additionally, the Law Society's purpose in creating the Certified Specialist Program was to enhance competence by facilitating the development of specialized expertise in a given area of law. Extending the program to paralegals is consistent with this purpose. Paralegals and the public interest both stand to benefit from the development of specialized experience among paralegals in the same way that lawyers and the public currently benefit from the existing Certified Specialist Program.
>
> While the Law Society could pursue potential expansion as part of a future discussion on enhancements to the program, such a review has not been included in previous reviews of the program. As a result, and given the low number of submissions made by paralegals to this consultation process, it may be advisable for the Law Society to first consult with paralegals to ensure this proposal is a

priority for them. If so, the Law Society could review the existing certification standards to see if paralegals could be accepted into any of the existing specializations as a first step. Before creating any new specializations specific to paralegals, the Law Society would need to hire external experts to help facilitate the development of this program, and consult with paralegals to map out the potential areas of specialization for paralegals. The next step would be to establish the certification requirements in these areas, again in consultation with paralegals. If undertaken, these processes would also require additional resourcing since these tasks fall outside of the normal scope of business for the Law Society.

C. Determining viability of expansion of CSP to include paralegals

Following the direction from Convocation in November 2023, the Law Society retained The Strategic Counsel to understand the perspectives of paralegals related to a potential CSP expansion. The Strategic Counsel developed a survey which was circulated to all paralegals licensed to provide legal services in Ontario. Feedback was received from 1,102 paralegals, which represents approximately 9.6% of paralegal licensees. It provided its final report to the Committee and to the Paralegal Standing Committee in April 2025. The Strategic Counsel made the following key findings with respect to the viability of the CSP being expanded to paralegals:

1. **There is significant interest in a CSP among paralegals. However, there is also considerable sensitivity to costs.**
   Initial interest (when first asked) in obtaining a certified specialist designation was 91% among respondent paralegals, with 77% saying they were “very interested”. After answering questions about the concept and potential costs for acquiring the designation, total interest in the CS designation remained very strong, only dropping by 7 points to 84%, with 51% saying they had “a great deal of interest”.

   It was also found that while there appears to be very strong interest in obtaining the CS designation, there is a good deal of sensitivity to price with substantial declines in interest at higher annual fee points. This suggests that actual interest in the program may not be entirely reflected by the 91% and 84% figures, particularly if the program is delivered at higher price points. However, it is clear that the program does garner a good deal of interest among paralegals.

2. **Paralegals indicate they would be willing to undertake a range of activities in support of their application to the CSP.**
   Canvassed paralegals agree that requirements, such as experience (80%) and references (71%), are suitable for certification. More than four-in-five (83%) paralegals agree it is suitable that Certified Specialists be required to complete 10 hours of CPD specific to their area of specialty in addition to the 12 hours of CPD already required and 82% agree it is suitable to mandate an additional 50 hours of self-study.

3. **Paralegals believe there would be a range of benefits and opportunities as a result of obtaining a CS designation.**
   90% or more expect that the CS designation would make it easier for members of the public to find them, would signify they had more skill in an area, would help with referrals and could be used as a marketing tool.

   Paralegals also indicated that they anticipated the program would have benefits related to credibility, client confidence and enabling them to position themselves as subject matter experts.

4. **Paralegals are highly sensitive to cost when evaluating their interest in the program, which may suggest limitations in true interest in the program.**
   This price sensitivity may also reflect the fact that paralegals typically earn less than lawyers and therefore have less money to invest into certification. However, while there is sensitivity to price, there may also be a good deal more interest in the program than that shown by the number of CS designated lawyers. This is attributed to the belief that the designation would give them additional credibility and enhance their status.

After reviewing these findings, it appears that there is a significant interest in the CSP being expanded to paralegals, subject to some cost sensitivity. Further, the research indicates that some of the issues that have resulted in a relatively poor uptake of the program by lawyers may not be present in the paralegal profession.

Specifically, few programs or awards recognize paralegal excellence or increase their status. This, combined with a lack of public understanding of paralegal practice areas, could lead paralegals to embrace a designation which indicates practice area proficiency and could be seen as enhancing credibility and building public confidence. This has been evidenced with the recent Family Legal Services Provider credential, which has seen significant uptake in its early stages. While not analogous to the CSP designation, this could be indicative that paralegals are willing to embrace efforts that are targeted at specialization and recognition.

Approximately 2% of lawyers in a practising status are Certified Specialists. If cost sensitivity is addressed in implementing the Certified Specialist Program for paralegals, a similar if not higher level of paralegal participation in the new program is anticipated.

D. Determining first areas of specialization

The Strategic Counsel reviewed which specializations are likely to be the most viable. It was determined that there would be similar interest among paralegals for:

1. small claims court matters;
2. Ontario Court of Justice matters (both *Provincial Offences Act* and summary convictions work); and
3. landlord tenant matters.

The Committee and the Paralegal Standing Committee determined that, initially, two paralegal specializations should be offered to ensure a successful launch of the program.

The Paralegal Standing Committee recommended that the first two specializations be small claims court matters and Ontario Court of Justice matters. Accordingly, if approval is granted to expand the CSP to paralegals, these will be the initial two areas of specialization that will be offered.

E. Workplan and start-up costs

The expansion of the CSP to include paralegals will involve developing paralegal program requirements and standards for specialization in the initial two areas of specialization as well as validation of those requirements and standards. The next steps and timelines associated with the CSP expansion are set out below:

CSP Expansion Workplan

	Component	**Expected completion date**
1	Retain education consultant	Fall 2025
2	Secure subject matter experts to provide input on program requirements of paralegal CSP program and two areas of specialization	Fall 2025
3	Develop the paralegal program requirements and standards for specialization in two selected areas	Winter 2026
4	Validate the paralegal program requirements and new standards for paralegal specialization	Spring 2026
5	Report to Convocation with By-Law and any other amendments	Spring 2026
6	Launch initial paralegal Certified Specialist Program with two specializations and open paralegal application process	Summer 2026
7	Begin to consider paralegal applications at Certified Specialist Board meetings	Fall 2026

The initial implementation activities described above will require the allocation of one full-time employee in the Professional Development and Competence Department for 2026, retention of an educational consultant, securing of subject matter experts, and marketing. Following the initial implementation, development and implementation of other paralegal areas of specialty will continue to require an education consultant, subject matter experts, and marketing. The additional projected start up costs for the expansion of the CSP to

paralegals will be as follows: $50,000 in 2025, $180,000 in 2026, and $50,000 to $100,000 in 2027. The need for ongoing employee support of the CSP paralegal expansion in 2027 will need to be reassessed following the initial implementation and application intake.

If the CSP expansion is approved, to meet the timelines outlined above, this year's work will be supported by the 2025 budget. The remainder of the required funds for the paralegal expansion will be incorporated in the 2026 and 2027 CSP budgets. The CSP budgets, which will also include funds for expenses associated with updating the lawyer CSP standards and promoting the lawyer program, will be reviewed by the Audit and Finance Committee and approved by Convocation in the normal course.

Next Steps

If Convocation approves the policy direction set out in this report, the Law Society will begin to take the required operational steps, set out in the workplan above, to implement the expansion of the CSP to include paralegals.

The Committee will report back to Convocation with an operational update as well as proposed By-Law revisions in Spring 2026. It is anticipated that this will allow the Law Society to accept applications from paralegals in Summer 2026 and begin to grant paralegal specialist designations by Fall 2026.

Law Society of Ontario | Barreau de l'Ontario

Tab 3.2

Professional Development and Competence Committee

Consultation - Modernizing the Law Society of Ontario's Lawyer Licensing Candidate Assessment Process

September 25, 2025

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Purpose

The Professional Development and Competence Committee (the Committee) seeks input from legal professions, affected stakeholders and the public on a proposed plan to modernize and reform the Law Society's assessment of lawyer licensing candidates in Ontario.

This report provides a summary of the information the Committee has considered and the principles within which a proposal has been developed to replace the current examination requirement for licensure with a mandatory skills-based course and assessment process for all lawyer licensing candidates.

Overview

The Law Society's licensing process is anchored to its core statutory mandate to ensure that lawyers are meeting the established standard of entry-level competence.

The barrister and solicitor licensing examinations are critical components of this process and were introduced in their current form in 2006. The competencies for these examinations were last updated in 2011 and are in need of renewal. The Committee has reviewed recent developments in the legal landscape and licensure in order to determine whether resources would be best allocated to updating the current model or reforming and modernizing the licensing process. The developments considered include:

1. A changed and changing demographic of licensing candidates.
2. Increased operational challenges in delivering the licensing examinations.
3. Evolution in best practices for assessing entry level competence.
4. Changes to jurisdictional requirements.

From this review, the Committee has determined that modernization and reform of the current licensing examinations are necessary. The Committee recommends that the Law Society adopt a mandatory skills-based course with assessments for all lawyer licensing candidates, which would replace the licensing examinations. Building on accepted best practices and lessons learned from existing models, the course would both provide instruction to licensing candidates in the foundational skills required to be a competent lawyer and assessment of each candidate to ensure that they meet the entry-level competence requirements to practise law in Ontario.

Context

A. Current Licensing Process

Individuals can apply to the Law Society of Ontario to become lawyers if they:

- have graduated from an approved Canadian law school or are in the final year of a common law program offered by an approved Canadian law school; or
- are internationally trained lawyers or graduates of international or non-accredited Canadian law schools who are completing, or have completed, their final National Committee on Accreditation (NCA) requirements and are eligible to receive their Certificate of Qualification (CQ) within six months.

Candidates who satisfy these criteria must fulfill three Law Society requirements to become licensed:

1. The experiential training requirement;
2. The good character requirement; and
3. The successful completion of a barrister examination and a solicitor examination.

Experiential training

Licensing candidates can complete their experiential training requirement through one of three programs:

1. Articling Program: Most candidates complete an articling placement with an approved principal.
2. The Law Practice Program (LPP) at Toronto Metropolitan University (TMU) and the Programme de pratique du droit (PPD) at the University of Ottawa: Since 2014, LPP and PPD have been approved pathways as an alternative to articling. They offer virtual training along with a hands-on work term.
3. Integrated Practice Curriculum (IPC): Candidates who have completed a recognized IPC program as part of their law degree have fulfilled their experiential training requirement and are not required to complete the Articling Program or LPP/PPD. IPCs are currently offered at the Lincoln Alexander School of Law at TMU and the Bora Laskin Faculty of Law at Lakehead University.

Candidates who previously practised law in another jurisdiction may be entitled to apply for an exemption from or abridgment of the experiential training requirement.

Good character requirement

To be licensed as a lawyer in Ontario, the *Law Society Act* requires that an applicant be of "good character." The good character requirement is ongoing and applies to applicants throughout their licensing term.

The good character requirement is intended to protect the public and maintain high ethical standards in the profession by ensuring that persons who are licensed as lawyers show

respect for the rule of law and the administration of justice and conduct themselves with honesty, integrity and candour.[1]

Successful completion of a barrister examination and a solicitor examination

All lawyer licensing candidates are required to complete two competency-based examinations – a barrister examination and a solicitor examination (sometimes referred to as the Bar Exams), both of which are administered by the Law Society.

These licensing examinations focus on the application of legal concepts and principles in a client service context. However, they are not designed to assess core skills required of lawyers, such as interviewing, legal research and writing, oral advocacy or negotiation.

The licensing examinations are administered in a multiple-choice format. They are designed to focus on entry-level barrister and solicitor competencies[2] that have the most direct impact on the protection of the public and on effective and ethical practice. There are nearly 300 barrister competencies and 250 solicitor competencies that have been identified and validated by members of the profession. The competencies cover seven areas of law: public law, family law, criminal law, civil litigation, real estate law, wills and estates, and business law, as well as professional responsibility and practice management.

The items on the licensing examinations assess the following three levels of cognitive ability:

1. **Knowledge/Comprehension**: the ability to understand facts, policies, procedures, and standards (e.g., citing the appropriate rule in the *Rules of Professional Conduct*)

2. **Application**: the ability to apply knowledge/comprehension in a straightforward applied situation (e.g., recognizing the appropriate procedure to employ when faced with a routine situation), and

3. **Critical Thinking**: the ability to apply knowledge/comprehension in complex applied situations, requiring analytical problem-solving in addition to knowledge/comprehension and application (e.g., selecting and prioritizing appropriate courses of action when faced with complex situations, or recognizing the relative importance of conflicting pieces of information and arriving at a conclusion requiring sound judgment).

The licensing examinations are open book, focusing on analysis and application, rather than on memorization. The examinations assume a self-study approach, where candidates place primary reliance on study materials, which are provided by the Law Society and are

[1] Further information on the good character requirement is available on the Law Society website here.
[2] A list of the competencies is available on the Law Society website here.

aligned with the competencies. Candidates may also use relevant study notes, summaries, indices, and legal texts to support them during the examinations.

Currently, the licensing examination study materials are released each licensing year at the beginning of April. Most LL.B./J.D. candidates who graduate from Canadian law schools choose to write their examinations in the summer sitting, which occur in May or June. For many candidates, this means studying for and then writing the licensing examinations over a period of two to three months. Other candidates choose to extend their time to study by delaying writing one or both examinations until a later sitting (e.g., fall or winter). Internationally trained candidates enter the licensing process at different times throughout the year and, accordingly, their timelines through the licensing examination process vary.

B. Recent developments affecting the Licensing Process

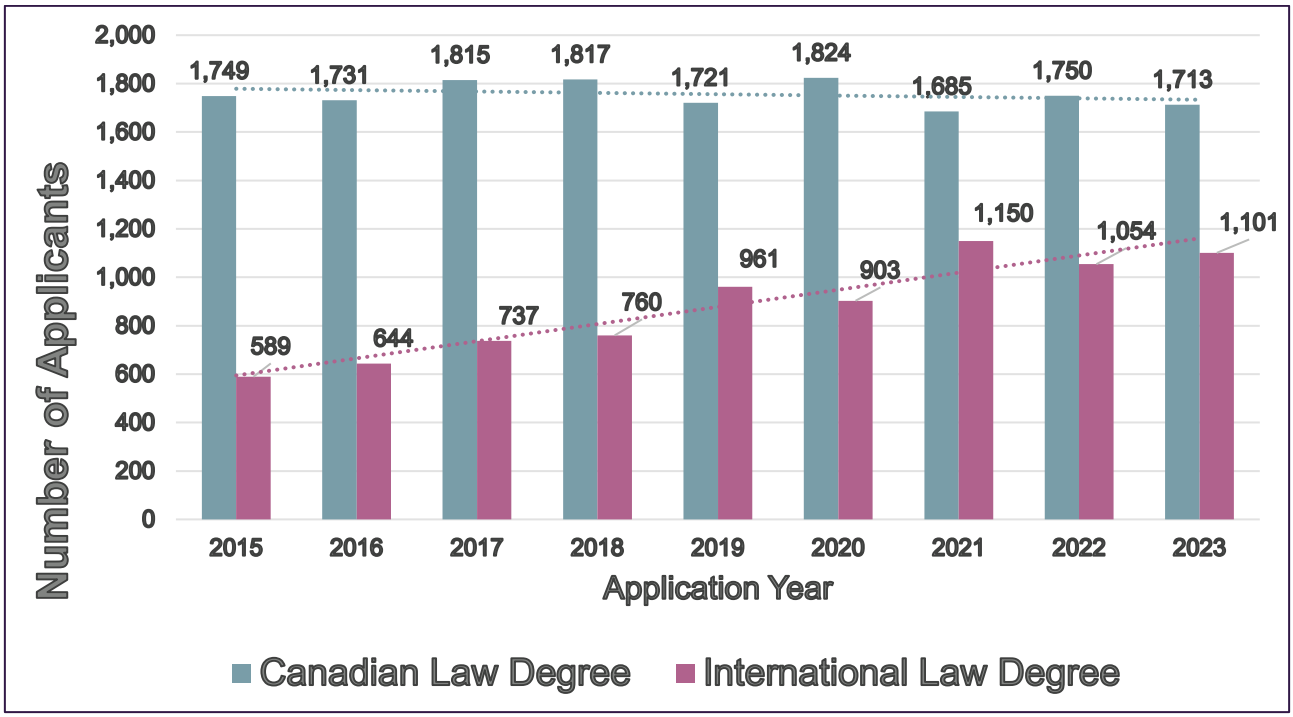
The current barrister and solicitor examination model was introduced in 2006. The competencies for these examinations were last updated in 2011 and are in need of renewal. To ensure the Law Society's assessment of lawyer candidates' entry-level competence remains effective, robust, and relevant to practice, the Committee reviewed the licensing examinations and considered recent developments in the legal landscape and licensure. The developments considered included:

1. A changed and changing demographic of licensing candidates.
2. Increased operational challenges in delivering the licensing examinations.
3. Evolution in best practices for assessing entry level competence.
4. Changes to jurisdictional requirements.

1. Evolving demographics of licensing candidates

Licensing candidates are either graduates of recognized Canadian law schools or international law schools. The candidates who have graduated from international law schools are a varied and diverse group, including Canadians who studied abroad for their law degree and experienced internationally-trained lawyers moving to Canada. Collectively, they are referred to below as internationally-trained law graduates.

Over the past ten years, the number of internationally-trained law graduates applying to become lawyers in Ontario has increased, while the number of applicants with Canadian law degrees has remained relatively steady. It is anticipated that this trend will continue and that internationally-trained law graduates will become an increasing percentage of the Law Society's applicants. The chart below outlines this trend:



Internationally-trained law graduates must apply to the National Committee on Accreditation (NCA), which is a standing committee of the Federation of Law Societies of Canada, to have their legal education and professional experience evaluated before they can enter the Law Society's lawyer licensing process.

The NCA assesses the qualifications of all internationally-trained law graduates. This assessment is undertaken in three stages:

1. A determination of the candidates' language proficiency in English or French.
2. A review and evaluation of the candidates' academic credentials.
3. Completion of assessments by NCA candidates in assigned areas. This can also be completed by taking courses offered by various Ontario law schools.

After NCA candidates have completed any required assessments, they receive a Certificate of Qualification (CQ), which allows them to become registered as a candidate in the licensing process in Ontario.

Outcomes for NCA Candidates

Candidates who enter the licensing process through the NCA have poorer outcomes on the licensing exams and are disproportionately represented in professional regulation once licensed.

In 2023, licensing candidates with Canadian law degrees had an 88.27% pass rate on the barrister exam and an 81.04% pass rate on the solicitor exam. Licensing candidates who were international law graduates, by contrast, had respective pass rates of 57.78% and 49.73%.

Further, lawyers in Ontario who have gone through the NCA process are disproportionately represented in professional regulation. While they make up 17% of lawyers in private practice, they make up:

- approximately 23% of new complaints received by the Law Society
- approximately 31% of the most serious complaints (i.e. complaints that result in notices issued in discipline), and
- approximately 31% of the complaints of substance (i.e. complaints received in Professional Regulation).

While the bases for these poorer outcomes are likely multifaceted, the following two steps have already been taken and may address some of these issues in respect of internationally-trained licensing candidates:

Foundations of Sole Practice

In 2025, the Law Society implemented the Foundations of Sole Practice requirement – a new mandatory practice essentials course for newly designated sole practitioners. The Foundations of Sole Practice is a 30-hour, practical course that covers the fundamentals of client service and communication; financial and practice management; the business of running a law practice; and professional responsibility in practice. To improve practice outcomes for sole practitioners, it focuses on the areas of practice that result in the highest incidence of complaints, negligence claims, and practice deficiencies. Though some of the issues above may be addressed by this requirement, the obligation to complete the course only applies to licensees who are new sole practitioners and not all licensees. While internationally-trained candidates are more likely to become sole practitioners, they also practice in other settings.

NCA Modernization

The NCA is currently undergoing a modernization process. The modernization process will result in new assessment tools that will be piloted and implemented between 2025-2027. The first component was the implementation of a research and writing requirement for all NCA candidates. The modernization includes developing a new competency profile and a new assessment model. While the NCA modernization is welcome, the NCA's focus will remain on testing and developing equivalency to a Canadian law degree and will not assess entry-level competency for lawyer licensure.

In combination with the Foundations of Sole Practice course and the NCA modernization, the proposed mandatory skills-based course with assessments, as discussed in greater detail below, is meant to address some of the challenges currently faced by internationally-trained law graduates and better support their successful entry into the profession.

2. Operational insights and increased operational challenges

Concerns from candidates

There are a number of concerns that candidates routinely raise about the current licensing examinations. Focus groups and written submissions have revealed a few common themes:

- Some candidates find the licensing examinations to be an exercise in “indexing”. The breadth of the competencies and the tightly-timed examination necessitates a study approach that is less focussed on understanding the concepts and thoughtful analysis, and more focussed on quick retrieval of the answer in the materials.
- Candidates without established networks in Ontario may not have access to indices that are prepared, updated, and circulated by peers at Ontario law schools.
- Some licensees feel that the licensing examinations are not an authentic reflection of what lawyers do in practice. They query why candidates are not assessed on their legal writing or oral advocacy skills.
- Some candidates have expressed that writing the licensing examinations was extremely stressful and took a significant toll on their mental health. These comments are more frequent from internationally-trained and Indigenous candidates, and candidates who require accommodation.
- Some stakeholders and candidates think that there should be more transparency about the licensing examination. Requests are routinely made by candidates for access to more information about examination scores and blueprints as well as their individual scores.

Operational insights

The licensing examinations are resource intensive and costly to develop and deliver. These expenses continue to increase year-over-year and are borne largely by candidates under a cost-recovery model. Ongoing investment in this model of licensure should be considered against operational limitations and challenges.

Security Concerns

The Law Society has strong security capabilities and has implemented a number of appropriate safeguards throughout the examination lifecycle to protect its testing assets and ensure score validity. Recently the Law Society performed a holistic security audit of the licensing examinations. This audit identified opportunities to enhance examination integrity given the constant presence of security threats, including fraud, high tech devices, and organized cheating rings. While many recommendations have been or will be implemented operationally, one notable recommendation that should be addressed as a matter of policy is to strictly limit what is permitted into the examination. This would require a modification to the open-book model on which the licensing examinations are currently based. This recommendation is responsive to one of the biggest challenges encountered at examination administrations in recent years – screening candidates for unauthorized materials that are becoming readily available because of the multitude of online sharing

and social media platforms. However, this is a foundational change to the current model that would necessitate a significant rework of the licensing examinations.

Accommodation Requests

Requests for accommodation in the licensing examinations have increased significantly in recent years and the types of accommodations sought are becoming more complex to administer. Between 2021-2024, the Law Society saw an approximately 61% increase in accommodated examinations administered.[3] The Law Society has a strong public interest in promoting equality and complying with its duties to accommodate under the *Human Rights Code*. Additional staff and financial resources have been allocated to this area. At the same time, candidate expectations of the accommodations that they will be granted in the licensing process frequently do not align with those that can be granted by the Law Society in the context of high-stakes examinations.

3. Best practices for assessing entry level competence

In December 2020, the Institute for the Advancement of the American Legal System (IAALS) undertook a study through which it sought to address substantial gaps in the existing knowledge base, build on the existing research, and develop an evidence-based definition of minimum competence. In the latter half of 2019 and early 2020, IAALS conducted 50 focus groups using a protocol it developed to gather data about the knowledge and skills new lawyers need to practice competently. Of those focus groups, 41 were conducted with new lawyers, while the remaining nine were conducted with those who supervise new lawyers.

The result of this work was a report entitled *Building a Better Bar.*[4] Further, the IAALS developed five insights about appropriate, accurate assessment of minimum competence:

1. Closed-book exams offer a poor measure of minimum competence to practice law

2. Time constraints on exams similarly distort assessment of minimum competence

3. Multiple choice questions bear little resemblance to the cognitive skills lawyers use

4. Written performance tests, in contrast, resemble many of the tasks that new lawyers perform, and

5. Practice-based assessments, such as ones based on clinical performance, offer promising avenues for evaluating minimum competence.

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[3] In 2021 the Law Society administered 523 accommodated examinations. In 2024 the Law Society administered 843 accommodated examinations.

[4] *Building a Better Bar: The Twelve Building Blocks of Minimum Competence published by IAALS*—Institute for the Advancement of the American Legal System, October 2020, available at https://iaals.du.edu/sites/default/files/documents/publications/building_a_better_bar.pdf

Testing in a manner consistent with best practices

Two programs in Canada provide testing in a manner consistent with the best practices set out by the IAALS: the Practice Readiness Education Program (PREP) and the Law Practice Program (LPP)/Programme de pratique du droit (PPD).

The Practice Readiness Education Program (PREP)

PREP is an online bar admission program required for licensure in Alberta, Saskatchewan, Manitoba, and Nova Scotia. Prior to its adoption, each of these provinces ran their own licensing examinations similar to the current Ontario licensing examination model. PREP is designed to be completed on a part-time basis during articles over approximately nine months. An accelerated version of PREP allows candidates to complete the program on a full-time basis before articling over approximately three months. PREP consists, broadly, of training and assessment.

The training component of the course is comprised of 12 self-directed modules on topics including professional ethics, client relationship management, interviewing and negotiation, and practice management. This is followed by six skill-building workshops, where candidates apply what they learned in the self-directed modules. Candidates then work in virtual law firms to address legal matters in three areas: business law, criminal law, and family law.

Throughout these training components, there are ongoing assessments. During the modules and workshops, this consists of skill practice, practice assignments and reflections. During the virtual law firm, candidates must complete 15 online assignments covering oral skills, written skills, ethics, client relationship management, and practice management.

At the conclusion of PREP, candidates must complete a final evaluation. This evaluation consists of nine assignments in three skill categories:

1. Oral skills (interviewing, negotiation, and oral advocacy)
2. Written skills (legal research, writing, and drafting)
3. Ethics, client relationship management, and practice management

These assignments are assessed by trained lawyer-assessors who assign competence level on multiple criteria, verified through psychometric analysis and data processing and finally reviewed by management for final verification. Candidates only pass the program if they demonstrate entry-level competence on each established competency category and overall entry-level competence when the competency categories are considered together.

The Law Practice Program (LPP) and the Programme de pratique du droit (PPD)

Since 2014, the LPP at Toronto Metropolitan University and the PPD at the University of Ottawa have been approved pathways to lawyer licensing in Ontario. The LPP and PPD offer simulated, virtual training along with a hands-on work term as well as assessments of

the candidates. While in some respects similar to PREP, the LPP and PPD are intended to replace the experiential training requirement rather than the entry level assessment requirement. That being said, assessment of candidates' lawyering skills and abilities in the LPP and PPD are plentiful.

The LPP and PPD provide candidates with the opportunity to develop the core skills and competencies essential for success in practice. They are 8-month full-time interactive and experiential programs where candidates work both individually and in virtual law firms – supported by experienced practicing lawyers (mentors), who provide guidance, feedback and assessment. The files are developed by practising lawyers, requiring candidates to interview clients, conduct research, draft documents, prepare letters and agreements, develop advocacy approaches, conduct negotiations, prepare clients, argue motions, conduct examinations and cross-examinations, and manage clients and legal practice generally.

Assessments are conducted throughout the training course and work experience components. This permits candidates to engage in the skills development cycle: train, assess, practice, assess, improve and assess again.

The programs use a diverse and evolving range of assessment techniques including:

1. **Mentor Assessment** – providing candidates with direct feedback from experienced practising lawyers.

2. **Formal Assessment** – formal independent assessments conducted by practitioners. Assessors measure performance against a comprehensive rubric covering preparation, communication, professionalism, persuasiveness and analysis.

3. **Self Assessment** - candidates prepare written submissions reflecting on what they have learned from readings and meetings with experts.

4. **Comprehensive General Performance Assessment** - four in-depth general assessments, which once completed provide a holistic evaluation of professional competencies. These assessments cover key areas such as ethics and professionalism, oral and written communication, analytical skills, legal research, client relationship management, and practice management.

5. **Work Experience Assessment** - information and formal ongoing feedback on the candidate's work.

4. Changes to jurisdictional requirements

For over 30 years, the Law Society has worked with other provincial and territorial law societies to facilitate inter-jurisdictional mobility for Canada's lawyers. In addition, the Ontario government recently introduced legislation intended to make labour mobility between provinces easier. This is consistent with legislation being introduced in other

Canadian jurisdictions. Together, these regimes ensure the movement of Canada's lawyers between jurisdictions with few admission requirements. Ensuring consistency in approaches to Canadian entry level assessment will ensure that the entry level competence standards across Canada are uniform. As noted above, four provinces have moved away from a licensing examination model towards a model that is consistent with established best practices.

Principles for modernization and reform

As an initial step in modernizing and reforming the licensing process in Ontario, the Committee has adopted the following seven principles:

1. Licensing assessment should focus on the most important competencies relevant to entry-level practice today in order to remain relevant and effective.
2. Licensing examinations must continue to prioritize defensibility and incorporate best practices related to reliability, validity, consistency, and fairness.
3. The licensing process, including the licensing examinations, must be accessible, avoid duplication, and not create undue barriers to entry for applicants from a variety of educational pathways and backgrounds.
4. Licensing assessment must be a secure process that builds confidence in the outcomes.
5. Stakeholders should be consulted with a view to building an understanding of the value of the Law Society's assessments tools for ensuring entry-level competence in the public interest.
6. Assessment tools must be scalable to the large volume of applicants seeking to become licensed as lawyers, which is in the range of 3,000 per year and increasing annually.
7. The licensing process must continue to operate on a cost recovery basis and remain financially accessible for licensing candidates.

A path forward

The current licensing examination model has been in place for almost 20 years. During that time, the practice of law has evolved, and reforms have been made to the experiential training requirement. In addition, the efficacy of multiple-choice examinations in assessing the necessary skills required by lawyers has been questioned.

Maintaining the current licensing examination framework would require significant work and expense to ensure that it remains effective, robust, and relevant.

Instead, the Committee proposes to modernize and reform the lawyer licensing process by establishing a mandatory skills-based course with assessments for all licensing candidates, which would replace the licensing examinations (the Skills-Based Course with Assessments). The current licensing examinations would be discontinued and all licensing

candidates would be required to complete and pass the Skills-Based Course with Assessments to become licensed.

A skills-based course with assessments for all licensing applicants

Legal education and licensing experiential training placements do not consistently provide all the necessary skills to understand the foundational systems, structures and habits that modern lawyers are required to learn. Further, there are significant limitations to learning and assessing those skills through a multiple-choice licensing examination. The Skills-Based Course with Assessments would address those two concerns.

Training and instruction would provide candidates with the opportunity to develop the skills required to practise as a lawyer. Building on established best practices and the lessons learned from the LPP/PPD and PREP, the Law Society would focus on developing practical entry level competencies which would include skills required by modern lawyers, such as practice management, communications, client relationship management and professional ethics.

The course would be delivered through the use of self-directed modules, workshops and virtual law firms. Accompanied by robust feedback, licensing candidates would be able learn and demonstrate their understanding of the material. The course would be offered online to ensure accessibility to applicants across the province, but in a manner designed to facilitate interaction.

Assessments provided throughout the training cycle would provide ongoing evaluation of applicants' skills and allow them to improve or refine their abilities and understanding based on feedback.

A critical element of the Skills-Based Course with Assessments would be a final assessment that would evaluate the candidates to ensure that they meet the entry-level competence standard required to practice law in Ontario. These assessments may include scenarios to determine whether each candidate has the knowledge and skills required to practise. Trained lawyer assessors would determine individual outcomes based on accepted testing standards.

Benefits

It is anticipated that the implementation of the Skills-Based Course with Assessments will have the following benefits:

1. Adoption of best practices
   By integrating skills-based training and assessments for all licensing candidates in Ontario, the Skills-Based Course with Assessments would follow the best practices for licensing entrance examinations recommended by the IAALs.

2. Ensuring entry-level competence
   The Law Society has a statutory duty to ensure competence of lawyers in the public interest. Ensuring entry-level competence in practical skills is critical to complying

with this duty. Providing skills-based training that includes ongoing and final assessments will both provide foundational knowledge and assess practical skills in a manner that is more likely to ensure candidates meet the entry-level standard of competence.

3. Setting lawyers up for long-term success

   This approach would also likely set lawyers up for long-term success. By preparing and assessing licensing candidates on the issues identified most through Law Society audits and the professional regulation process, and by ensuring that the Skills-Based Course with Assessments competencies are regularly updated to reflect current trends, the Skills-Based Course with Assessments will provide new lawyers with the roadmap that they need to avoid common pitfalls, enter the profession with confidence, and be successful. Further, with new technologies such as generative artificial intelligence rapidly changing the practice of law, the role of lawyers will increasingly become relational and strategic, and less focused on information and knowledge. The Skills-Based Course with Assessment would better prepare new lawyers than the current model for these changes – providing training to licensing candidates in these areas and assessing them on their ability to apply these required skills.

4. Addressing concerns with the licensing exams
   Replacing the current licensing examinations with the Skills-Based Course with Assessments is responsive to the concerns expressed by stakeholders and candidates. Specifically:
   - It would not involve information retrieval under tight timelines.
   - Access to indexes would no longer be an actual or perceived barrier.
   - The course and assessments would more closely reflect what is done in practice.
   - Having the opportunity to practice skills that are learned, and complete assessments throughout may result in a lower level of stress for some candidates than a single exam, while more accurately reflecting the realities of legal practice.
   - Exam supports for licensing candidates and transparency of evaluation criterion and outcomes could be proactively addressed during the development or tailoring of the course for Ontario candidates.

5. Resource efficiency
   Resource-intensive development and delivery of the Skills-Based Course with Assessments would be managed by the external provider.

6. Consistency with other jurisdictions
   The Skills-Based Course with Assessments would be consistent with other Canadian jurisdictions (Alberta, Saskatchewan, Manitoba, and Nova Scotia), that have replaced their licensing examinations with similar models.

Considerations

If the Law Society chooses to implement the Skills-Based Course with Assessments, it will seek assistance from external providers to develop the course using a procurement process that would identify the duration, areas of focus, and other aspects of the program. This necessarily means that certain details are not fully established. At this point the Law Society is seeking input from the legal professions, affected stakeholders and the public on the policy concept; however, the following is offered:

1. Cost considerations
   Implementation of the Skills-Based Course with Assessments would have cost considerations. Delivering the course will result in both development costs and increased ongoing operational costs. For most programming provided by the Law Society, a cost recovery model is used where program participants pay an amount that offsets the ongoing operational costs; the development costs are typically borne by the Law Society. The exact development and delivery costs would need to be established through a Request for Proposals process. Some of these costs would be offset by cost savings associated with the Law Society not having to update the current licensing examinations or deliver them into the future. Once the delivery costs are determined, the Law Society would only proceed if the licensing process would remain financially affordable for licensing candidates.

2. Timing of Skills-Based Course with Assessments
   Different delivery options are possible for delivering the Skill-Based Course with Assessments. For example, like PREP, accelerated or part-time programs could be offered, with the latter being taken at the same time as experiential training is completed. Alternatively, the structure and duration of the course could be tailored to meet the Law Society's needs. For example, the duration could be shortened, or the course could be divided into parts – with some delivered live or in real-time and some in a self-paced format.

   The Law Society recognizes that law firms and other employers are accustomed to the current licensing process schedule in which many graduating LL.B./J.D. candidates write their licensing examinations prior to the candidates beginning articling. If the Law Society were to proceed with this recommendation, it would consult with affected stakeholders to determine appropriate timing that results in minimal impact.

3. Application to paralegals
   The Committee has focused on the lawyer licensing process, however, some of the above issues apply to the paralegal profession. Recently, the Paralegal Standing Committee made changes to the paralegal college curriculum requirements to address some of these issues. If the Law Society proceeds with this

recommendation, the Law Society will consider whether a similar change should be considered for paralegals and will seek input from the profession and stakeholders.

Questions

The Committee is seeking input on the following questions by January 31, 2026. The input of the legal professions, the public and other stakeholders is critical in helping the Law Society to modernize its lawyer licensing process. The Law Society has not made any decisions about whether to proceed with the Committee's recommendations. Suggestions and feedback from all interested parties are encouraged as the Law Society determines the best lawyer licensing process for ensuring entry level competence.

1. Do you agree that the lawyer licensing process should incorporate both training and assessment, in the manner described by the Committee above, to determine entry level competence?

2. If the Law Society proceeds with implementing the Committee's recommendations, what concern(s) do you have regarding the implementation? How could those be addressed?